UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,379	02/23/2004	Hirokazu Tsunobuchi	3140-010-01	8419

33432	7590	12/17/2004	**EXAMINER**

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ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/784,379	TSUNOBUCHI ET AL.
	Examiner	Art Unit	
	Kumiko C. Koyama	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 February 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-63</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-63</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☒ Certified copies of the priority documents have been received in Application No. <u>10/162,853</u>.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>022304</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Acknowledgement is made of receipt of Preliminary Amendment filed on February 23,

2004.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 21-25, 28-56 and 59-63 are rejected under 35 U.S.C. 102(b) as being anticipated

by Koziol et al (US 5,900,613).

Re claims 21, 25, 33-38, 46-51, 52 and 56: Koziol teaches a trigger that causes to power

up and initialize the reader (col 10, lines 45-47) and a decoding routine that decodes the image

received by illuminating the target (col 7, lines 30-34 and col 11, lines 10-15). In Fig. 20, the

block diagram shows that the image of the target is first decoded using a 1D autodiscrimination

and attempts to decode the image at a 1D decoder. If the 1D decoding is not successful, the

processor continues and switches to a 2D autodiscrimination and decodes the image at a 2D

decoder (col 32, lines 55+). Such disclosure teaches a function switch that executes a function

different from that of the trigger means because the processor switches from a 1D decoder to a

2D decoder. Koziol also teaches a read/write random access memory (RAM) 45 and an erasable

read only memory (EPROM) 46 that stores programs. The operating parameters, which is an

operation mode, is stored in the parameter table and these parameter tables are stored in the

storage (col 10, lines 50-56). The processor 42 and ASIC 44 are both programmable control

devices which are able to receive, output and process data in accordance with these storage

devices (col 7, lines 50-56), and such disclosure teaches a previous data resending function

because data are outputted and processed. Fig. 7A shows a format for a menu message or word

650, which is produced as a result of the decoding of the menu symbol selected by the user (col

12, lines 45-51). Such word is an arbitrary character string sending function. The word 650

comprises simple commands and specifies a change that is made at a particular part of the

parameter table, using specified data (col 13, lines 60-67). Such disclosure teaches a check

operation mode. The parameters include a plurality of code parameters for controlling the

decoding programs and a plurality of scanning-decoding parameters for controlling the scanning

and decoding activities (col 34, lines 24-34). Koziol also teaches a menuing program for

changing the parameters of the parameter table and a reprogramming program responsive to a

program command generated by a data source (col 34, lines 34-54). Koziol's invention enables a

user to determine the current operating mode of an optical reading apparatus, and to rapidly and

conveniently change that operating mode to optimize it for operation under the current

conditions (col 4, lines 10-16).

Re claim 22, 39 and 53: Koziol discloses an scanning-decoding event initiated by

respective signal actuations for a manual trigger (col 5, lines 30-32).

Re claim 23, 40 and 54: As described above, Koziol first performs a 1D decoding

process, and if 1D decoding process is unsuccessful, a 2D decoding process is automatically

initiated.

Re claim 24, 41 and 55: Koziol teaches a "Repeat Until Done," wherein the decoding process repeats until a successful decode is performed (col 5, lines 35-52).

Re claim 28, 29, 42, 43, 59 and 60: Koziol further teaches a multiple read process 643 as shown in Fig. 6. When the multiple symbols option is enabled, the processor assumes that more than one symbol is present in the image data. The processor loop back to make additional decoding attempts (col 21, lines 49+).

Re claim 30, 35, 44 and 61: The decoding process is repeated looped until the trigger is released. The loop is interrupted by the user's release of the trigger or by a successful decode (col 11, lines 20-35).

Re claim 31, 32, 45, 62 and 63: Koziol also teaches programs relating to diagnostic or test programs (col 20, lines 1-4). The decoding process is repeated looped until the trigger is released. The loop is interrupted by the user's release of the trigger or by a successful decode (col 11, lines 20-35).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 20, 26, 27, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koziol in view of Nishibori (US 5,850,212). The teachings of Koziol have been discussed above.

Koziol fail to teach a pressed time, wherein the pressed time of the function switch is shorter than a predetermined time, the selected function is executed and when the pressed time of the function switch is longer than the predetermined time, the selected operation mode is changed.

Nishibori teaches first functions to detect whether the pressing time of a button of the button input unit 2 is within the predetermined time (or outside the predetermined time) by using the button input detection means. When the pressing time is shorter (or longer) than the predetermined time, the present input mode that is managed by the input mode management means 11 is changed to the next input mode by the input mode switching means 13. And when the pressing time is longer (or shorter) than the predetermined time, the input processing means 14 will carry out such a process that corresponds with the input mode amanged by the input mode management means 11 (col 3, lines 49-65).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Nishibori to the teachings of Koziol in order to enable an easy operating scanner that is user friendly to the user by providing very easy methods to change the mode without going through complicated programming techniques and technical questions. Such ease of use also provides faster change of modes since the user does not have go into technical details of the scanner.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
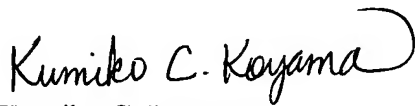
Hussey et al., U.S. Patent No. 5,932,862, discloses an optical reader having improved scanning-decoding features.

Smith et al., U.S. Patent No. 5,992,744, discloses an optical reader having multiple scanning assemblies with simultaneously decoded outputs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kumiko C. Koyama
December 13, 2004

DIANE I. LEE
PRIMARY EXAMINER